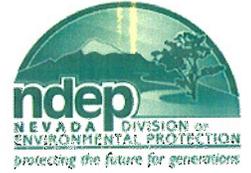




NEVADA DIVISION OF ENVIRONMENTAL PROTECTION



FACT SHEET FOR RCRA PERMIT ISSUED TO THE BASIC REMEDIATION COMPANY INCLUDING CLARIFICATION OF THE AREA OF CONTAMINATION AND ADJUSTED STANDARDS FOR REMEDIATION WASTE MANAGEMENT ACTIVITIES AT THE BMI COMPLEX AND COMMON AREAS IN HENDERSON, NEVADA

This FACT SHEET summarizes the basis for the issued PERMIT for the Basic Remediation Company (BRC) for the construction, operation, and closure of a remediation waste landfill and management of remediation waste pursuant to the Resource Conservation and Recovery Act (RCRA) at the remediation waste management site located in Clark County, Nevada. Under the requirements of NRS 459.520(4), the initial PERMIT was issued for a period of time not more than five years. The Nevada Division of Environmental Protection (NDEP) has developed this FACT SHEET in accordance with the requirements of NAC 444.8632 and 40 CFR § 124.8.

A. PURPOSE OF THE PERMITTING PROCESS

The purpose of the permitting process is to afford the Nevada Division of Environmental Protection, interested citizens, and other governmental agencies the opportunity to evaluate the ability of the Permittee (BRC) to comply with the applicable hazardous waste management requirements promulgated under the Resource Conservation and Recovery Act (RCRA). NDEP is authorized pursuant to § 3006 of RCRA to administer the state hazardous waste management program in lieu of the federal program. NDEP is required to prepare a PERMIT which presents in one document the applicable requirements with which the Permittee must comply during the five year duration of the permit. Because the proposed landfill will only accept "remediation waste," as defined by 40 CFR § 260.10 and as part of a cleanup action compelled by NDEP, the PERMIT was prepared for issuance as a Remedial Action Plan (RAP) in accordance with the provisions and requirements of 40 CFR Part 270 Subpart H. The RAP application and permit were available for public review and comment for a period of 30 days prior to NDEP taking any final action on the issued permit.

B. PROCEDURES FOR REACHING A FINAL DECISION

Nevada Administrative Code (NAC) 444.8632, and

40 CFR § 124.10 require that each draft permit prepared under the Resource Conservation and Recovery Act, including the application and administrative record, be made available for public comment for a period of thirty days. The initial comment period for the Draft Permit was provided from August 6, 2007 to September 21, 2007, during which no comments were received. The NDEP issued the PERMIT to BRC for the CAMU (landfill) on September 24, 2007.

The PERMIT identified specific areas from which BRC could accept contaminated soils/remediation wastes for management in the CAMU (landfill). The RAP also contemplated the management of other remediation wastes from adjacent sources not specifically identified in the PERMIT provided prior approval is granted by the NDEP.

The NDEP received request to allow additional contaminated soils from sources adjacent to the original site for management in the CAMU. The adjacent areas are all within the BMI Industrial Complex and are deemed to be within the Area of Contamination. In consideration of this request, the NDEP is soliciting public comment in regards to any benefits or concerns the public may perceive or identify as a result of approving this request. The original design capacity of the landfill will not change and the terms and conditions of the PERMIT remain the same.

Any person interested in commenting on the proposed demarcation for allowable remediation wastes at the BRC permitted CAMU must do so within this thirty day comment period. The comment period will end on November 9, 2009. Comments should include all reasonable available references, factual grounds and supporting material. A public hearing may be held, if necessary or requested, to further hear comments regarding the proposed action at the conclusion of the public comment period

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All persons wishing to comment should do so in writing to:

Nevada Division of Environmental Protection
Bureau of Waste Management
ATTN: Mike Leigh
901 S Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
Tel: 775-687-9465
E-mail: mleigh@ndep.nv.gov

Information may also be obtained by contacting NDEP at:

Nevada Division of Environmental Protection
Las Vegas Office
ATTN: Brian Rakvica
2030 E. Flamingo Rd., Suite 230
Las Vegas, Nevada 89119-0818
Tel: 702-486-2850 ext. 247
E-mail: brakvica@ndep.nv.gov

When NDEP makes a final decision, notice will be given to the applicant and each person who has submitted written comments or requested notice of the final decision. The final permit decision shall become effective thirty (30) days after the service of notice of the decision unless a later date is specified or review is requested under NAC 444.8632 and 40 CFR § 124.19 or an appeal of the Administrator's decision is submitted to the State Environmental Commission under NRS 445.274. If no comments are received, the permit shall become effective immediately upon issuance.

C. FACILITY DESCRIPTION

The proposed landfill is located within Section 11 and 12 of Township 22 South, Range 62 East, approximately 10,000 feet west-northwest of the intersection of Lake Mead Drive and Boulder Highway and approximately 3,500 feet west-southwest of intersection of Warm Springs Road and Boulder Highway (See map insert). The remediation waste management site is approximately 13 miles south of the City of Las Vegas and is situated within the boundaries of the common areas of Basic Management Incorporated (BMI) and within the BMI Industrial Complex.

The proposed landfill occupies approximately 55 acres and is designed to manage up to approximately 3.3 million cubic yards of remediation waste material

(i.e., contaminated soil). Only material derived from on-site and adjacent remediation and cleanup actions within the BMI Industrial Complex and Common Areas will be permitted to be disposed at this landfill. Only material that meets the treatment standards of 40 CFR 264.552(e)(4)(iv) or the adjusted standards in accordance with 264.552(e)(4)(v), as determined by NDEP, will be permitted to be disposed at the site. The NDEP decision to establish an adjusted standard for portions of the material to be disposed at the site is also available for review and comment.

The proposed depth and elevation of the landfill takes into consideration the geotechnical and hydrological conditions at the site, including groundwater, surface water and surrounding land use. The lined and leak-detection enabled landfill is constructed in close proximity to historical disposal areas that will largely remain undisturbed by the landfill construction activities. The final liner and cover design is intended to limit the mobility of any hazardous constituents that may be present in the soil placed in the landfill, as well as any contaminants that may be present beneath or immediately adjacent to the proposed unit. Monitoring of the landfill for any potential release or impacts to groundwater will be conducted in conjunction with facility-wide monitoring at the BMI Industrial Complex.

D. REMEDIATION OF HISTORIC WASTE BENEATH THE PROPOSED REMEDIATION WASTE LANDFILL

The NDEP, through a separate public notice and comment process, proposed a cleanup remedy for previously discarded refuse and industrial waste beneath the BRC landfill. That cleanup proposal was made under separate authority by the Division and is not subject to this PERMIT, although the complete administrative records for both actions are available for public review.

E. BASIS FOR THE PERMIT CONDITIONS

All permit limitations and requirements are adopted directly from NAC 444.842 through 444.960, inclusive, and 40 CFR Parts 124, and 260 through 270. No additional allowances or justification is required.